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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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In the matter of)

An Allocation of spectrum for the)
Private Mobile Radio Services)

RM - 9267

TO: The Commission

Comments on the Petition for Rule Making
Submitted by the
Land Mobile Communications Council

1. The citizen, voting, taxpaying amateurs are actively working with their congressional representatives to have current spectrum set aside by congress, or replaced with equivalent spectrum. This action looks very favorable in congress at this time. RM 9267 is a last minute attempt by the LMCC to gain primary status to additional UHF spectrum before congress can act..

2. REFARMING IS NOT FINISHED. There are several issues unresolved in the refarming of last October 17, 1997. One is the exclusivity, or lack of, for the YJ service code. Another is the matter of certain UHF splinter pairs becoming high power. The later is critical and quite probably the cause of this action by the LMCC. The LMCC is still discussing with it's members the issues of database sharing and safe harbors. Refarming is only seven months old and far from implementation.

3. The use of UHF splinters at 12.5 khz is an unused opportunity for PMRS eligibles. The commission telephoned the members of the LMCC several months ago, to state all new UHF 12.5 khz requests are to be 11.25 wide. While equipment is available from several

vendors, we have we not seen the growth here. Simple fact, PMRS users are dollar driven, most will not upgrade to narrower frequencies unless forced. Equipment and channels are available. Granting added spectrum to PMRS users would be rewarding them for failing to migrate to spectrum efficient systems. (We admit one reason may be due to the power restriction mentioned above. But that is another reason all the refarming issues need to be settled before additional spectrum is granted.) Why did the LMCC not publish the number of UHF requests for both 20 and 11.25 khz? From the LMCC's view, it just may be politically easier to get new spectrum than settle issues such as the 12.5 khz power issue and CMRS growth.

4. On page 10, LMCC claims that NTIA found the PMRS requirements would double over the next ten years. We agree. But refarming was, and is the solution. Can the LMCC claim technology will not provide 6.25 khz equipment in ten years? Just as mandating fleet mileage, seat belts, and airbags has worked for the automobile industry, mandating a narrow band transition will provided frequency relief.

5. The LMCC claims refarming will only provide limited relief (part 38, page 15). Why? Because the industry is balking at changing to narrower bandwidth. A partial mandate may be the best solution. The growth of UHF trunking has not been where the commission had hoped, in the narrower channels. The growth has been at 25 khz. One solution would be to require all new trunking systems to be 11.25 khz compliant. This would put the growth where it belongs. Then the PMRS would start to approach spectrum efficiency.

6. We agree, members of the LMCC have seen a tremendous growth in applications for UHF pairs, often requests are for 20 pairs at a time for trunking. Can the LMCC deny that some of this is due to speculators, after all, a coordination fee is far cheaper than an auction bid. In fact, there are a lot of 12.5 khz requests, just getting in line for a "new" high power channel.

7. The wise system operators seek out existing users with lightly loaded channels and

offer to share their new trunking system with the existing licensee. These operators are properly rewarded. They get a good UHF pair, often good for a home channel, and the existing user gets "free" use of the trunking system. This type of "finders preference" needs to be expanded as it eases the frequency demand and promotes spectrum efficiency. The LMCC seeks the easy route of just making more spectrum available, rather than monitor and identify lightly used channels..

8. The growth of trunking is not from internal users, but mainly dealers and vendors, out to sell their services to the public. This growth within PMRS is "...likely to involve, the licensee receiving compensation from subscribers..." 47 U.S.C. 309 (j) (2)(A)(1996). This is not PMRS. This profit oriented service should not get free spectrum at the expense of all other spectrum users.

9. While we agree with LMCC that trunking growth has been within PMRS spectrum, it has NOT been at the expense of PMRS users. Many current PMRS users have started using the services of trunking operators. (How many of these true PMRS eligibles have cancelled their now unused licenses?) Still, should not the request for more spectra for this use come from the CMRS licensees?

10. We agree that dispatch service is definitely a unique, viable, and necessary service. But LMCC would have us believe that cell phones and the like are never a solution. But we have seen trucking companies return their PMRS radio equipment to the vendor as they moved to cell phones. (These are mainly fixed route trucking firms, but still a move from PMRS and creation of open UHF pairs or at least lesser loading.) Again, the licenses are often not purged, thus loading looks heavy on paper. Of course there are those users which employ both public cell type services and PMRS, but the LMCC fails to recognize the resulting loading decrease , (part 52, page 20).

11. The LMCC makes a lot of unfounded or irrelevant arguments about the services of

CMRS providers. At section 58, page 23, and other parts, the arguments against CMRS services are straws. CMRS providers are in it for a profit, if they fail to provide the service the user, PMRS eligibles included, will move to a provider that does supply the needed service. At section 62, page 25, the LMCC questions the reliability of CMRS providers. One can not make a profit by providing unreliable service. The CMRS suppliers are clearly motivated to provide good service. (We feel such remarks by the LMCC are unfounded and not in good taste.)

12. At part 17, page 8, we see the LMCC saying the airlines have not gained any spectrum. Refarming held the new channels next to the old airport frequencies sacred, protected for the airlines. We respectfully ask the LMCC to reread limitation 61 for 460.650 to 460.900. Due to the clear and easy reading, we must disagree with the LMCC in this area.

13. We have all watched as the people of this county have pursued the creation of more wilderness and the preservation of roadless areas of our national forests. This movement has put a real squeeze on the forest products industry. But the people have indicated a desire to preserve our natural resources and congress has agreed. The same needs to happen with our spectrum resource. The use by amateurs (citizens) of the 420 to 450 spectrum is akin to multiple use of the forests, many citizen users sharing a resource. Once the PMRS users get to the frequency area, it is lost forever. The cost to displace amateurs is not near the cost nor time to move 20 mhz of PMRS users. The itinerant, non profit, often providing public service, use by amateurs, in secondary position, is akin to holding the spectrum in reserve.

14. The military enjoys a sharing with the citizen/amateurs. Both get a low noise UHF area to share. It seems reasonable to continue an arrangement where both parties are very happy. The current sharing of 420 to 450 mhz is actually a reserve, assigned to the military, with the frequencies available to those citizens willing to meet license criteria. The amateurs are an excellent share with the military, as all amateurs know that failing to yield to the military use

will result in the loss of their license. Further, many amateurs are involved with the Military Affiliate Radio System (MARS) and devote many hours to passing messages for military personnel. This is a good secondary use. While amateur use is secondary, it appears primary.

15. Could the amateurs be secondary to PMRS? No way. Look at the broadcasters (RP) which are currently secondary to PMRS. That "share" does not work. They have been displaced by the primary PMRS users. Look at the declining number of new RP requests for PMRS shared frequencies. The truth is in the lack of requests. History shows sharing with PMRS is just not viable.

16. We agree the PMRS frequencies are often used in life and property saving communications. But the same holds true for the amateur's systems. The loss of life mentioned in part 16, page 8, could still have been avoided by proper coordination, even with crowded channels. (This corporation knows the use of radio and loss of life all too well.)

17. Here in the state of Oregon, the records for the Oregon Region Relay Council (ORRC), the amateur coordination body, show 133 link stations and 178 relay systems in the 420 to 450 mhz spectra. (Contrast this to the unloaded LR channels in this state.) This investment, totally grass roots and citizen paid, shows a demand and interest by the people of the area for communications for personal and volunteer public service. Of course this is only a count of the coordinated systems, the amateurs are known for their efficient use of simplex FM, weak signal, earth-moon-earth, and various forms of modulation. All this is secondary, but secondary to a player that allows the amateurs to enjoy use of the spectrum.

18. Whereas the PCS people had to assist and repay the displaced users of the 1.8 ghz area, can we assume the LMCC will pay the costs for frequency changes for the displaced amateur services?

19. The request for 20 mhz duplex use sounds like phone service. Dispatch, ship

loading, taxi cabs, etc do not need full duplex. Prohibiting interconnect would seem logical.

20. We see in the petition, the LMCC desires; primary status, spectrum close to existing frequencies, no wind profilers, wide spacing, streamlined licensing rules, faster application processing, expadiciaous frequency availability, flexibility in spectrum use, no unnecessary rules, no sharing with CMRS, no 911 obligations, and no competitive bidding. We citizen/amateurs have a wish list also, to be left alone to share with the military.

Respectfully submitted,

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